

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	Case No. 03-cr-10368-RCL
	)	
	)	
DEREK FRAZIER	)	
_____	)	

MOTION TO DISMISS NOW SUPERCEDED INDICTMENT

The United States, by and through its attorneys, United States Attorney Michael J. Sullivan and Assistant United States Attorney Seth P. Berman, moves for the Court to dismiss both counts of the indictment filed on December 3, 2003. As grounds therefore, the government states that a Superceding Indictment was filed in this matter on August 4, 2004, and that the Defendant has already pleaded guilty and been sentenced to the first count of the Superceding Indictment.

WHEREFORE, the government respectfully requests that the Court dismiss the December 3, 2003 Indictment, and allow the case to proceed instead based on the August 4, 2004 Superceding Indictment.

Respectfully Submitted,

MICHAEL J. SULLIVAN  
United States Attorney  
By:

/s/ Seth P. Berman  
SETH P. BERMAN  
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December 30, 2004